

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

**TAYLA GREENE,
as administrator of the estate of decedent,
RONALD GREENE**

CIVIL ACTION NO. 3:20-CV-0578

VERSUS

JUDGE TERRY DOUGHTY

**TROOPER DAKOTA DEMOSS
and MASTER TROOPER CHRIS
HOLLINGSWORTH and MASTER
TROOPER KORY YORK and
SERGEANT FLOYD MCELROY and
LIEUTENANT JOHN CLARY and CAPTAIN
JOHN PETERS AND DEPUTY SHERRIF
CHRISTOPHER HARPIN and JOHN DOE
CORPORATION I-3**

MAG. JUDGE KAREN L. HAYES

**RULE 12(b) MOTION TO DISMISS, OR ALTERNATIVELY, RULE 12(E)
MOTION FOR MORE DEFINITE STATEMENT**

**NOW COMES, Defendant, TROOPER DAKOTA DEMOSS, INDIVIDUALLY
AND IN HIS OFFICIAL CAPACITY AS A TROOPER WITH THE DEPARTMENT OF
PUBLIC SAFETY AND CORRECTIONS, LOUISIANA STATE POLICE, who moves
pursuant to Federal Rule of Civil Procedure 12(b) to dismiss for the following reasons:**

1.

Plaintiff raises claims against DeKota DeMoss, individually and in his official capacity, as law enforcement agent with the Department of Public Safety and Correction which are barred by the doctrine of sovereign immunity granted pursuant to the Eleventh Amendment of the U.S. Constitution for official capacity actions.

2.

A state employee acting on behalf of a State Agency, in her official capacity, is not a person under 42 U.S.C. §1983.

3.

Defendant is entitled to qualified immunity.

4.

Therefore, plaintiff's Complaint fails to state a claim upon which relief may be granted.

5.

Alternatively, defendant moves for a more definite statement.

WHEREFORE, Defendant prays that plaintiffs' claimants be dismissed with prejudiced at plaintiffs' costs.

Respectfully submitted,

JEFF LANDRY
ATTORNEY GENERAL

By: /s/ C. Bryan Racer

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Rule 12 Motion has been served upon the following counsel of record:

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Monroe, Louisiana, this 14th day of September, 2020.

/s/ C. Bryan Racer
C. Bryan Racer